

HOUSE BILL 2657

By Matheny

AN ACT to amend Tennessee Code Annotated, Section 7-82-104; Section 48-69-119; Section 64-4-107; Title 65 and Section 68-221-518, relative to public utilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 65-4-122, is amended by deleting such section in its entirety and by substituting instead the following:

65-4-122.

(a) If any common carrier or public service company, directly or indirectly, by any special rate, rebate, drawback, or other device, charges, demands, collects, or receives from any person a greater or less compensation for any service within this state than it charges, demands, collects, or receives from any other person for service of a like kind under substantially like circumstances and conditions, and if such common carrier or such other public service company makes any preference between the parties aforementioned, such common carrier or other public service company commits unjust discrimination, which is prohibited and declared unlawful.

(b) Any such corporation which charges, collects, or receives more than a just and reasonable rate of toll or compensation for service in this state commits extortion, which is prohibited and declared unlawful.

(c) It is unlawful for any such corporation to make or give an undue or unreasonable preference or advantage to any particular person or locality, or any particular description of traffic or service, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic or service to any undue or unreasonable prejudice or disadvantage.

(d) Any corporation that is found guilty of extortion or unjust discrimination, or of giving to any person or locality, or to any description of traffic or service an undue or unreasonable preference or advantage, shall be subject to a civil penalty in a sum that is not less than one week's value of such undue or unreasonable preference or advantage prohibited by this section.

(e) An action may be brought by any citizen of this state against any person or corporation, owning or operating such public service company in Tennessee, for a violation of this section, before any court having jurisdiction to try the same.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.